

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

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CORNELIUS HILL	:	
and	:	
TRUDIE HASTINGS HILL H/W	:	
Plaintiffs	:	
v.	:	
Schiffahrtsgesellschaft MS Priwall	:	No. 02-CV-2713
mbH & Co. KG	:	
and	:	
Reederei F. Laeisz G.m.b.h.,	:	
Rostock	:	

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**PLAINTIFF'S PRE-TRIAL MEMORANDUM**

**I. Jurisdiction**

The jurisdiction of the Court is invoked under 28 U.S.C. §1331 and §1332 and is not contested.

**II. Facts**

Plaintiff is a longshoreman who was working aboard the M/V SEA PANTHER when he was injured on August 24, 2000. Plaintiff was leaning down attempting to unlash a container when he was struck from behind by a falling lashing bar.

Plaintiff's breaster was attempting to unlash a nearby container. The turnbuckle was frozen, so he hit it with a wrench and this is standard procedure. The turnbuckle came loose, and the lashing bar it was holding flew out and flew through the air and struck plaintiff.

The lashings had been put on under the supervision of the Chief Mate at a foreign port. The Chief Mate and other Mates inspected all of the lashings several times while the vessel was

at sea. They inspected them again before the longshoremen began work. The ship's Captain has admitted that they may have missed something with the lashing bar that unexpectedly came loose and flew several feet in the air and struck plaintiff.

### **III. Money damages claimed**

Plaintiff was unable to work from August 25, 2000 to October 11, 2001, a period of 59 weeks. His lost wages for this period are \$81,670.75.

Plaintiff continues to lose approximately \$10,000 per year. He is 56 years old and would reasonably expect to work another 11 years or so.

Plaintiff's medical expenses were \$31,829.65

Total special damages therefore are approximately \$225,000.00.

### **IV. Witnesses**

Liability

1. Plaintiff and wife  
7231 Mallard Place  
Philadelphia, PA

2. Dwight Jones  
2041 South Beechwood Street  
Philadelphia, PA
3. Vagn Ejsing  
2126 Harbor Drive  
Palmyra, NJ
4. Captain Joseph Alhstrom (Expert)  
401 Howard Avenue  
Staten Island, NY
5. Wiclef Schuessler (by deposition)  
Resident of Germany
6. David Burke (by deposition)  
465 South Street  
Morristown, NJ

V. **Damages**

1. Plaintiff and his wife
2. Dr. Andrew J. Collier  
2410-14 South Broad Street, Suite 200  
Philadelphia, PA 19145

VI. **Exhibits**

1. All charter parties
2. Management contract
3. All exhibits used during Captain Schuessler's deposition
4. All exhibits used during Vagn Ejsing's deposition
5. All exhibits used during David Burke's deposition
6. DRS records
7. Agent's records
8. Medical records
  - a. Dr. Collier
  - b. NovaCare Rehabilitation
  - c. Hahnemann Hospital
  - d. MRI records

9. Medical bills
10. Income Tax Returns
11. O'Neill Consulting Records

VII. **Number of Trial Days**

Plaintiff - 3  
Entire - 5

VIII. **Special Comments**

None

E. ALFRED SMITH & ASSOCIATES

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E. Alfred Smith  
1333 Race Street, 2nd Floor  
Philadelphia, PA 19107  
(215) 569-8422  
Attorney for Plaintiffs

Dated:

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he has, on this date, caused a true and correct copy of Plaintiff's Pre-Trial Memorandum to be served by first class mail, postage prepaid, on the date listed below upon the following party or counsel of record:

Charles W. McCammon, Esquire  
Rawle & Henderson LLP  
The Widener Building  
One South Penn Street  
Philadelphia, PA 19107

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E. Alfred Smith  
Attorney for Plaintiffs  
Cornelius Hill and Trudie Hastings  
Hill